IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN CHEMISTRY COUNCIL, et al.,)	
Petitioners)	N- 00 1225
v.)	No. 09-1325 (and consolidated cases)
ENVIRONMENTAL PROTECTION AGENCY, et al.,)	
Respondents.)	

NONBINDING STATEMENT OF ISSUES BY ENVIRONMENTAL DEFENSE FUND

- 1. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for "all sectors of the economy of the United States";
- 2. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for coal mines;

- 3. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for suppliers of coal;
- 4. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for electronics manufacturing;
- 5. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for ethanol production;
- 6. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for fluorinated greenhouse gas production;
- 7. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for food processing;
- 8. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, because it failed to promulgate greenhouse gas emissions reporting obligations for industrial landfills;

9. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or

otherwise not in accordance with law, because it failed to promulgate greenhouse

gas emissions reporting obligations for magnesium production;

10. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or

otherwise not in accordance with law, because it failed to promulgate greenhouse

gas emissions reporting obligations for oil and natural gas systems;

11. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or

otherwise not in accordance with law, because it failed to promulgate greenhouse

gas emissions reporting obligations for sulfur hexafluoride from electrical

equipment;

12. Whether EPA's action was arbitrary, capricious, an abuse of discretion, or

otherwise not in accordance with law, because it failed to promulgate greenhouse

gas emissions reporting obligations for wastewater treatment.

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/s/ Timothy D. Ballo

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